

U.S. Patent Application No. 09/832,229
Reply to Final Office Action dated January 13, 2006

PATENT
450100-03185

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-3, 5-8, 10-15, 17, 19-21, 23-26, 28-31 and 33 are pending. Claims 1, 6, 15, 17, 19, 24, 31 and 33 are independent. Claims 4, 9, 16, 18, 22, 27, 32 and 34-69 have been previously canceled without prejudice or disclaimer of subject matter.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1, 3, 6, 8, 13, 15, 19, 21, 24, 26 and 31 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,522,672 to Matsuzaki et al. (hereinafter, merely "Matsuzaki") in view of U.S. Patent No. 6,522,342 to Gagnon et al. (hereinafter, merely "Gagnon") and in further view of U.S. Patent No. 6,211,901 to Imajima et al. (hereinafter, merely "Imajima").

Claims 2, 7, 20 and 25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Matsuzaki in view of Gagnon in further view of Imajima and in further view of U.S. Patent No. 6,804,825 to White et al. (hereinafter, merely "White").

Claims 5, 10, 23 and 28 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Matsuzaki in view of Gagnon in further view of Imajima and in further view of U.S. Patent No. 6,128,649 to Smith et al. (hereinafter, merely "Smith").

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Claims 11, 12, 29 and 30 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Matsuzaki in view of Gagnon in further view of Imajima and in further view of U.S. Patent No. 6,757,906 to Look et al. (hereinafter, merely "Look").

Claims 14 was rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Matsuzaki in view of Gagnon in further view of Imajima and in further view of U.S. Patent No. 6,211,901 to Browne (hereinafter, merely "Browne").

Claims 17 and 33 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gagnon in view of Imajima.

III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

"A data transmission device comprising:

a first generator for generating a first data stream that is utilized after the first data stream is accumulated in a recording medium on a receiving side;

a second generator for generating a second data stream that includes audio data and video data;

a multiplexer for multiplexing the first data stream and the second data stream;

a transmitter for transmitting the multiplexed data stream that has been multiplexed by the multiplexer; and

a controller for controlling the multiplexer so that a transmission rate for the first data stream becomes lower than that for the second data stream,

wherein a maximum combined transmission rate for said multiplexed data stream is 24 Mbps." (emphasis added)

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As understood by Applicants, Matsuzaki relates to a multiplexer device for multiplexing multimedia data which is encoded to be transmitted or to be accumulated. The multiplexer device comprises a controller for controlling multiplexing of each of the media information according to the multiplexing means based on the priority decided by the priority deciding means.

As understood by Applicants, Gagnon relates to a multi-channel broadcast system that transmits a video/text/graphic-based program guide data stream that is used at viewer stations to generate a user interface that facilitates a user's selection of various programs and services. Gagnon is particularly applicable to a receiver station having sufficient processing power to process and generate a program guide display and associated features.

As understood by Applicants, Imajima relates to a system of effectively controlling a video-on-demand service where a requested title mechanism recognizes a tile of a video requested by a subscriber. A VOD service state monitoring mechanism determines whether or not the broadcast of the video is to be provided in either the FVOD or NVOD service. Also whether if there is an available channel for the broadcast. An ATM switch is connected to VOD servers where an output port is connected to CLADs (cell assembly and disassembly). A CLAD multiplexes video data obtained by removing information from the cell and outputs the video data.

It is respectfully submitted that the applied combination of Matsuzaki Gagnon and Imajima does not teach the above-recited features of independent claim 1. Specifically, the Office Action concedes that "...however Gagnon, in combination with Matsuzaki fails to teach multiplexing the data at a maximum combined rate of 24 Mbps". (See Office Action page 2)

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Applicant respectfully disagrees with the assertion that Imajima provides the disclosure missing from Matsuzaki and Gagnon.

The Office Action cites Column 10, lines 40-59 of Imajima, which recites “...digital modulation is performed using a 64-value QAM, then the digital video data can be transmitted at 24 Mbps....” Also, on Column 12, lines 10-15 of Imajima, which recites “multiplexes the video data obtained by removing the header information from the disassembled cell, and outputs the video data of 24 Mbps to the digital modulating unit...”

Imajima teaches away from the invention as recited in claim 1. Imajima teaches of digital modulation for the digital video data to be transmitted at 24 Mbps. Modulation is the addition of a signal to an electronic or optical signal carrier. The present invention discloses multiplexing two data streams for a combined maximum output of 24 Mbps. Multiplexing is sending multiple signals or streams of information on a carrier at the same time in the form of a single, complex signal. Furthermore, Imajima teaches of multiplexing the video data obtained by removing the header information. The present invention discloses multiplexing two separate data streams into a combined stream where one data stream includes audio and video data.

Applicants submit that Matsuzaki, Gagnon and Imajima, taken alone or in combination, fail to teach or suggest this feature of claim 1. Specifically, Applicants submit that there is no teaching of a data transmission device comprising a second generator for generating a second data stream that includes audio data and video data; a multiplexer for multiplexing the first data stream and the second data stream, wherein a maximum combined transmission rate for said multiplexed data stream is 24 Mbps, as recited in claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

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For reasons similar to those described above with regard to independent claim 1, independent claims 6, 15, 17, 19, 24, 31 and 33 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1, 6, 15, 17, 19, 24, 31 and 33 are patentable.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference, or references, providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully requests early passage to issue of the present application.

Respectfully submitted,

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